IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 27TH OCTOBER 2006 / 5TH KARTHIKA 1928

OP.No. 17969 of 2001(L)

PETITIONER:

A.K.THOMAS, AGED 50 YEARS,
S/O.KURIAKOSE, PLATHOTTATHIL HOUSE,
KOOTHATTUKULAM POST, MUVATTUPUZHA TALUK,
ERNAKULAM DISTRICT.

BY ADV. SRI.P.V.SANTHOSH JOSE

RESPONDENTS:
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1. **DEPUTY TAHSILDAR (RR), MUVATTUPUZHA.**

2. **THE VILLAGE OFFICER, KOOTHATTUKULAM VILLAGE, KOOTHATTUKULAM.**

3. **THE BRANCH MANAGER,**
THE FEDERAL BANK LTD., VAZHITHALA BRANCH,
THODUPUZHA.

BY ADV. SRI.VARGHESE C.KURIAKOSE
SMT.C.S.SHAILA
SRI.PRAVEEN K. JOY
GOVERNMENT PLEADER

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 27/10/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP. NO.28894/2001 IN OP. NO.17969/2001

DISMISSED

27.10.2006 **SD/- C.N.RAMACHANDRAN NAIR , JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE REPRESENTATION DT.25.4.01 GIVEN TO THE 3RD RESPONDENT.

EXT.P2:- COPY OF THE NOTICE DT.28.5.01 ISSUED BY THE 1ST RESPONDENT.

RESPONDENTS EXHIBITS

EXT.R3(a):- COPY OF THE STATEMENT OF ACCOUNT RELATING TO THE LOAN TRANSACTION WHICH STANDS RECORDED IN THE BANK'S BOOK AS I.P.S./B.E./36203/98 PRESENTLY TRANSFERRED AS P.D.A./C. NO.236.

/TRUE COPY/

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C.N.RAMACHANDRAN NAIR, J.

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O.P. No.17969 of 2001

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Dated this the 27th day of October, 2006.

JUDGMENT

The petitioner is challenging revenue recovery proceedings for recovery of arrears of loan due to third respondent-Bank. Counsel for the Bank based on the counter affidavit submitted that the claim of the petitioner about payment made in the writ petition is not correct. According to the Bank, only Rs.25,250/- was paid by the petitioner as against the claim of payment of Rs.42,000/- on 27.3.1998. The loan appears to be a small business loan and therefore, the arrears could be recovered through revenue recovery proceedings. The petitioner's claim of having filed representation before the Bank is also denied by the Bank. It is not known whether the petitioner has complied with the interim order of this court dated 18.6.2001 whereunder petitioner was directed to pay Rs.50,000/- as condition for stay. In any case since the matter is pending for such a long time and since the contract rate of interest itself is 15%, I am sure the Bank will waive penal and default interest provided petitioner clears the arrears within a reasonable time. The petitioner is free to approach the Bank for settlement as above. If any other incentives are available under OTS settlement scheme, I feel the Bank should give the same to the petitioner provided payments are made within the reasonable time granted by the Bank. If petitioner does not settle liability as above, then of course

there will be direction to the Tahsildar to proceed for recovery. The O.P. is disposed of as above.

C.N.RAMACHANDRAN NAIR
Judge

pms